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| 10/649,622      | 08/28/2003  | Satoshi Inami        | 2003_1218A          | 5298             |

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| EXAMINER |
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SWEARINGEN, JEFFREY R

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| ART UNIT | PAPER NUMBER |
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2145

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08/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/649,622

**Applicant(s)**

INAMI ET AL.

**Examiner**

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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**DETAILED ACTION**

1. This application has been reassigned to a new Examiner.

***Response to Arguments***

2. Applicant's arguments filed 6/6/07 have been fully considered but they are not persuasive.
3. The claim objections are withdrawn.
4. It is unclear what Applicant argues concerning the Parry and Sheer references. Applicant apparently argues that Parry failed to disclose a connection management section. The presence of a connection management section is necessitated by the existence of both a read and a write control in the system.
5. Applicant's amendments to the claims have necessitated additional grounds of rejection under 35 U.S.C. 112. Full faith and credit has been given to the previous examiner, who applied art to the invention. However, the claims cannot be reasonably understood in their current form to undertake a proper search of the invention.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.
9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
10. Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the

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specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

11. *In re Wands* lays out factors to consider in the test of enablement. These factors include, but are not limited to:

- The breadth of the claims;

- The nature of the invention;

- The state of the prior art;

- The level of one of ordinary skill;

- The level of predictability in the art;

- The amount of direction provided by the inventor;

- The existence of working examples; and

- The quantity of experimentation needed to make or use the invention based on the content of the disclosure.

The relevant factors are discussed below.

12. The nature of the invention: The claims are in such poor English that it is unclear what the nature of the invention is. As best understood, the invention transmits data between two stations.

13. The amount of direction provided by the inventor: Applicant states in the original specification on page 18, line 14 that "empty data" is equivalent to 0 bytes.

14. The state of the prior art: Applicant's newly claimed invention apparently receives "empty data". According to Applicant's specification, "empty data" is 0 bytes. Data that is 0 bytes does not exist. Data must consist of bits and bytes in order to be electrically transmitted over a system. The prior art does not teach how a system can receive something that does not exist. Data must be transmitted in order to be received. It is not possible for data that does not exist to be transmitted, since the "empty data" must be received and any data that must be received inherently must be transmitted.

15. The level of one of ordinary skill: One of ordinary skill is presumed to be the inventor. One of ordinary skill is unaware how data can be transmitted and received if it consists of 0 bytes, or does not exist.

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16. The quantity of experimentation needed to make or use the invention based on the content of the disclosure: The disclosure is apparently a literal translation of a foreign document. One of ordinary skill is not able to ascertain how to transmit and receive "empty data" based on this translated document.

***Specification***

17. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 1, 4-7, and 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parry et al. (US 6,748,481 B1) in view of Paul Sheet's "Rute User's Tutorial and Exposition"

20. Regarding claims 1 and 11, Parry et al. discloses a stream data processing apparatus for performing multiple steps of processing for stream data, comprising: a transmitting end processing section for performing a process of one of the multiple steps of processing for data contained in the stream data, and transmitting the processed data (column 6, lines 61-64, with the "writer module"); a receiving end processing section for receiving data transmitted from the transmitting end processing section, and performing a process of a next one of the multiple steps of processing for the received data (column 6, lines 66-67, with the "reader module"); a control section for instructing a change of a subject of processing to the transmitting end processing section and the receiving end processing section (column 7, lines 64-66, where the user is able to control the buffer with commands and this inherently would require a user interface, this user interface interacts with the reader and writer modules as seen in column 8, lines 5-7 and this is equivalent to a control section where that can instruct a reader and writer for

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the subject of processing); a data temporary storage section for temporarily storing the data transmitted from the transmitting end processing section (column 6, lines 64-65 with the "circular buffer"); and a connection management section for allowing the data transmitted from the transmitting end processing section to be received by the receiving end processing section by performing a data Write and a data read for the data temporary storage section and the empty data storage section (column 8, lines 5-11, with the "Buffer IO Layer" synchronizing the reader and write and the buffer therefore allowing data to be streamed from transmitter to receiver), wherein, if a change of the subject of processing is instructed from the control section, the transmitting end processing section and the receiving end processing section output a transmitting end clear request and a receiving end clear request, respectively, to the connection management section (column 13, lines 15-33, where the user can request an event, and in order for the data not to be corrupted, the reader and writer can output requests such as "blocking the writer" (similar to a transmitting end clear request) or "blocking the reader" (similar to a receiving end clear request)), and the connection management section switches a write destination for the data transmitted from the transmitting end processing section and a read source of data to be received by the receiving end processing section depending on whether the connection management section is in a normal operation state, a receiving end clear wait state which exists after the transmitting end clear request is received, or a transmitting end clear wait state which exists after the receiving end clear request is received (column 8, line 54-column 9, line 10, where "one component is blocked until another component has completed the operation necessary to remove the offending condition"). Parry et al. does not disclose an empty data storage section for erasing any data written thereto in response to a data write, and returning empty data in response to a data read. The general concept of an empty data storage device is well known in the art as illustrated by Sheer. Sheer discloses that UNIX "devices" can allow software direct access to hardware and using a null device where reading it-returns no data and writing to it discards data (/dev/null is Section 18.4 on page 4). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Parry et al. with this null device as taught by Sheer in order to simply discard output from the stream as noted in Sheer's disclosure (/dev/null is Section 18.4 on page 4).

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21. Regarding claim 4, Parry et al. and Sheer disclose the stream data processing apparatus according to claim 1 as described above, and Parry et al. further discloses the apparatus wherein the transmitting end processing section and the receiving end processing section output the transmitting end clear request and the receiving end clear request (column 13, lines 15-33, where the user can request an event, and in order for the data not to be corrupted, the reader and writer can output requests such as "blocking the writer" (similar to a transmitting end clear request) or "blocking the reader" (similar to a receiving end clear request)) and perform transmission and reception of data by using a data transmission/reception section which provides a accessing function to the connection management section (column 8, lines 5-11, with the "Buffer IO Layer" synchronizing the reader and write and the buffer therefore allowing data to be streamed from transmitter to receiver).

22. Regarding claims 5 and 6, Parry et al. and Sheer disclose the stream data processing apparatus according to claim 1 as described above, and Parry et al. further discloses the apparatus wherein the connection management section is structured to be capable of selecting, if the data transmitted from the transmitting end processing section as required by claim 5, or data to be received by the receiving end processing section as required by claim 6 cannot be written or read to/from the data temporary storage section, whether to perform a process of immediately notifying an error to the transmitting end processing section or receiving end processing section, or a process of waiting until it becomes possible to write/read data to/from the data temporary storage section and notifying to the transmitting/receiving end processing section a result of writing/reading data to/from the data temporary storage section (column 8 line 64 - column 9 line10, where the data cannot be read from or written to the buffer if the "blocks" are in place, and the reading and writing process must wait until the its possible to read or write data before it can happen. The "Writer Unblock Event" of column 9 line 52 and ,Reader Unblock Event" of column 9 line 61 are ways to notify a result of the transmission that the data is available).

23. Regarding claim 7, Parry et al. and Sheer disclose the stream data processing apparatus according to claim 1 as described above, and Parry et al. further discloses the apparatus further comprising a data input section via which to input the stream data (column 6, lines 40-52).

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24. Regarding claim 9, Parry et al. and Sheer disclose the stream data processing apparatus according to claim 1 as described above, and Parry et al. further discloses the apparatus comprising a data output section for outputting a result of performing the multiple steps of processing for the stream data (column 6, lines 16-18).

25. Claims 2-3, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parry et al. (US 6,748,481 B1) and Paul Sheer's "Rute User's Tutorial and Exposition" as applied to claims 1,4-7, and 9 above, and further in view of Barton et al. (US 6,233,389 B1).

26. Regarding claim 2, Parry et al. and Sheer disclose a stream data processing apparatus according to claim 1 as described above, and Parry et al. further discloses the apparatus wherein the connection management section is operable to: select the data temporary storage section as the write destination and the read source in the normal operation state (column 6, lines 59-67, where the circular buffer is equivalent to the data temporary storage section and it is read from and written to by the reader and writer). Parry et al. and Sheer do not disclose erasing the data stored in the data temporary storage section if the transmitting end clear request or the receiving end clear request is received in the normal operation state, selecting the empty data storage section as the read source in the receiving end clear wait state, and selecting the empty data storage section as the write destination in the transmitting end clear wait state. The general concept of erasing the temporary storage section in response to clear requests is well known in the art as illustrated by Barton et al. Barton et al. discloses a stream data processing apparatus that can clear the buffer in response to a request from the transmitter or receiver (column 8, lines 19-35, where the buffers are erased in response to a single event, which originates from an object that can receive stream data such as the "sink" object). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Parry et al. and Sheer with erasing of the buffer in response to an erase request as taught by Barton et al. in order to verify data has been erased before writing new data as to increase data reliability and simply reset the buffers with a single command for easier channel switching as noted in Barton et al.'s disclosure in column 8, lines 35-38.

27. Regarding claim 3, Parry et al. and Sheer disclose a stream data processing apparatus according to claim 1 as described above, and Parry et al. further discloses the apparatus wherein the connection



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management section is operable to: select the data temporary storage section as the write destination and the read source in the normal operation state (column 6, lines 59-67, where the circular buffer is equivalent to the data temporary storage section and it is read from and written to by the reader and writer) and regard as old data any data that is stored in the data temporary storage section when the transmitting end clear request has been received, select as the write destination a region in the data temporary storage section where the old data is not stored, and select as the read source a region in the data temporary storage section where the old data is stored while the old data is present, and select the empty data storage section as the read source once the old data is no longer present (column 9, lines 4-7, where blocking data from being written to is equivalent as regarding data as old data, then finishing the data stream until all readers finish their task, and in column 9, lines 25-35, where the writers cannot store data in an area that is being read from, equivalent to old data storage being read). Parry et al. and Sheer do not disclose erasing the data in the data temporary storage section if a clear request is received in a normal state by selecting the empty data storage as the write destination, or erasing old data from the temporary storage if a clear request is received in a receiving end clear wait state. The general concept of erasing the temporary storage section in response to clear requests is well known in the art as illustrated by Barton et al. Barton et al. discloses a stream data processing apparatus that can clear the buffer in response to a request from the transmitter or receiver (column 8, lines 19-35, where the buffers are erased in response to a single event, which originates from an object that can receive stream data such as the "sink" object). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Parry et al. and Sheer with erasing of the buffer in response to an erase request as taught by Barton et al. in order to verify data has been erased before writing new data as to increase data reliability and simply reset the buffers with a single command for easier channel switching as noted in Barton et al.'s disclosure in column 8, lines 35-38.

28. Regarding claim 8, Parry et al. and Sheer disclose the stream data processing apparatus of claim 7 as described above, but do not disclose using the data input section where it inputs the stream data from a removable recording medium. The general concept of using a removable recording medium to feed the input stream is well known in the art as illustrated by Barton et al. Barton et al. discloses a

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stream data processing apparatus that takes a VCR to feed the input module (Figure 13, Items 1307 and 1301 ). It would have been obvious to one of ordinary skill in the art to modify Parry et al. and Sheer with using removable recording mediums to source the stream as taught by Barton et al. in order to add recording devices to the already in place list of possible input devices seen in Parry et al.'s disclosure in column 6, lines 50-52.

29. Regarding claim 10, Parry et al. and Sheer disclose the stream data processing apparatus of claim 9 as described above, and Barton et al. further discloses that the data output section outputs the stream data to a removable recording medium. The general concept of using a removable recording medium to output the data stream is well known in the art as illustrated by Barton et al. Barton et al. discloses a stream data processing apparatus that takes a VCR to store the output module's results (Figure 13, Items 1307 and 1303). It would have been obvious to one of ordinary skill in the art to modify Parry et al. and Sheer with using removable recording mediums to save the stream as taught by Barton et al. in order to add recording devices as a possibility of a rendering device to save stream content.

***Conclusion***

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Cardone  
Supervisory Patent Examiner  
Art Unit 2145

JRS